

1963

## CONGRESSIONAL RECORD — SENATE

1709

budget calls for \$43.3 billion—an increase, Mr. President, of \$9.3 billion.

The increase in nondefense spending includes many new and questionable domestic programs. The money for these programs, plus some of the increases in nondomestic programs, offers a fertile field for savings.

Just to keep the record straight, I ask unanimous consent to insert in the RECORD at this time a chart submitted to the Congress on January 17, 1963, by Mr. CLARENCE CANNON, Democratic chairman of the House Appropriations Committee, which shows nondefense spending since 1954.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

<i>Increased nondefense spending</i>	
[Other than defense spending, in billions]	
Fiscal year:	
1954.....	\$20.5
1955.....	23.6
1956.....	25.5
1957.....	25.0
1958.....	27.1
1959.....	33.8
1960.....	30.8
1961 (1st Kennedy year).....	34.0
1962.....	36.6
1963.....	41.3
1964 (estimated).....	43.3

Source: CONGRESSIONAL RECORD, Jan. 17, 1963, p. 511.

Mr. YOUNG of North Dakota. Mr. President, the main point I am trying to make is that during the closing days of the last session we were told that the more than 75 items in the \$550 million supplemental appropriations bill were badly needed, that it was urgent that Congress take action before it adjourned, and that the departments administering these various programs could not possibly wait until the next session of Congress. Mr. President, here it is a month after Congress convened, and still nothing is done toward considering all of these budget requests. I can only conclude that either this one-half billion dollars in appropriations was not necessary, or the present leadership is not giving it a very high priority.

This top priority apparently is being given to changing the rules in the Senate when there is no major piece of legislation pending in Congress for which the proponents of the rule change could even claim a rule change was necessary. It seems to me that we have spent enough time trying to change the rules of the Senate when there is little, if any, need for it. There are a great many issues that Congress should be giving serious consideration to. I hope that we can get on with the business of the Senate soon.

I yield the floor.

Mr. MORSE. Mr. President—

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HOLLAND. Mr. President, I suggest the absence of a quorum.

Mr. MORSE. Will the Senator withhold that request?

Mr. HOLLAND. I made that request simply so the Senator from North Caro-

line [Mr. ERVIN] might return to the floor.

The PRESIDING OFFICER. Does the Senator withhold his request?

Mr. HOLLAND. I withhold my request.

Mr. ERVIN. Mr. President, I ask unanimous consent that I may be permitted to yield to the distinguished and able Senator from Oregon, without losing the floor, and without having any remarks I make on the pending matter counted as another speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE CUBAN SITUATION

Mr. MORSE. Mr. President, I just read on the ticker an account of a statement by the distinguished Senator from Minnesota [Mr. HUMPHREY], the Democratic whip, in which he suggested that we should undertake public hearings on the various allegations which are being made concerning an alleged Russian buildup in Cuba that supposedly threatens the security of the United States.

The story states that, in the opinion of the Senator from Minnesota, we should have public opinions with regard to the matter; that Mr. McCone, head of the CIA, should be called as a witness; that other administration leaders should be called as witnesses. I only rise to associate myself with the suggestion of the Senator from Minnesota. I think there should be public hearings.

As Chairman of the Subcommittee on Latin American Affairs of the Committee on Foreign Relations, I say I think we have reached such a point in the charges and countercharges with regard to the subject matter that the American people are bewildered and confused. As I have said so many times, American foreign policy belongs to the American people, and any administration is but the trustee of the people's foreign policy. The American people cannot judge this situation unless they know the facts. The time has come, in my judgment, when there should be a full public disclosure of whatever we know about what is going on in Cuba.

Oh, I know, Mr. President, the old argument might be made that it might involve some top secret information; but I repeat, labeling something top secret does not make it top secret. We must run risks in a democracy. I would much rather run the risk of having the people know about the facts of our foreign policy than run the risk of having the Russians know and the American people not know.

So I associate myself with the remarks of the Senator from Minnesota.

I make one other suggestion. I think the time has come, in view of all the charges and countercharges that have been made—and I have rechecked the transcript—to release to the public the transcript of record made by the Foreign Relations Committee. I presided over most of those meetings, which were held shortly after the Bay of Pigs operation, where we had before the committee the

top officials who had so much to do with the ill-fated incident. We heard witnesses from the Pentagon and the Department of State and the head of the CIA, the then Director, Allen Dulles. I have reread the transcript. I do not know of a single thing in that transcript that the people of the United States are not entitled to know.

When the transcript was taken it was understood by the witnesses that it was an executive session, and therefore its release now may be said to be some breaking of faith or understanding with those witnesses. But things have been said in public by administration officials that alter the picture. The public interest has to come first, always. The question now is whether the public interest is best served by releasing the text so there can be an evaluation of that transcript in light of developments subsequent to its token.

It happens to be my opinion that the release of that transcript would put at rest, once and for all, a good many of the partisan charges being made about the President of the United States in regard to what happened at the Bay of Pigs. The impression has been created, through partisan political charges, that the President of the United States had promised American Air Force cover of the Bay of Pigs operation. It never was true. And it never was true that Dwight Eisenhower had any such plan in connection with the Bay of Pigs.

We do not hear very much from the partisans about the fact that most of the Bay of Pigs operation was prepared and planned by the Eisenhower administration to the tune of expenditures of \$40 million, whereas the Kennedy administration spent in the neighborhood of \$5 million.

The Kennedy administration made a great mistake in picking up the mistake of the Eisenhower administration and associating itself with that mistake, but this great President of ours was big enough to assume responsibility for what happened.

Here is one Senator who does not think it is fair for us to leave in the secret files of the Foreign Relations Committee a transcript of record which was made shortly after the unfortunate Bay of Pigs project, and which, in my judgment, answers the partisan libel of the President that he withdrew American air coverage of the Bay of Pigs invasion.

I say again it never was promised. Apparently a part of the confusion arises from the fact that the Cuban exiles who made the invasion had their own air force. It is true that every craft in that air force came, in the first instance, from the United States, because they were American planes. It is true that the Cuban exile air force made a strike on one day against the airbase at Havana. It is true that that Cuban exile air force planned to make a strike the next morning. The first one had not been too successful. It had not knocked out as many of Castro's planes as it was expected to. It is true that there was discussion of this matter in the inner

councils of the United Nations, when many allies were greatly concerned about reports that had reached New York, and that the second strike was postponed a few hours.

To quote one of the Cuban invaders as saying they were promised control of the air does not mean they were promised American air cover.

As we know, the Cuban exiles ran into a Castro air force that he apparently was not known to possess. What irony it is that the air force of Castro consisted of effective fighter planes which the United States had supplied to Fascist Batista before his overthrow. Those American fighter planes which had been supplied to Batista had been captured by Castro. He brought them out, and that surprised people. It was that air force that practically demolished the Cuban exile air force.

But, Mr. President, that is far different from giving to the American people the impression that at any time the Government of the United States promised to bring the American Air Force in as a cover for the invasion. Had that promise been made, it would have constituted an act of war, and it would have taken this Republic outside the framework of international law and made us an aggressor nation, in violation of one Latin American treaty after another to which we had affixed our signature.

I discussed this international law feature on April 24, 1961, in my speech in the Senate. I pointed out that if there had been carried out what it was alleged was planned we would have been convicted before the world as an aggressor nation, committing an act of war in violation of treaty after treaty. In my speech of April 24 I asked, "Where would our allies have been?" We might have had two or three Caribbean nations stand with us, but all of Latin America would have left us.

It is so easy for these Monday morning quarterbacks, with partisan speeches, to confuse this whole issue.

Let me say that I believe the time has come, irrespective of the fact that the transcript was taken in executive session, because the national welfare is more important, that the American people are entitled to know what Allen Dulles did say, are entitled to know what the Chief of Staff did say, are entitled to know what the Secretary of State did say, and are entitled to know what every other important witness who appeared before our committee did say as to what happened in connection with the Bay of Pigs, what the plans were, and what went awry.

I speak only for myself. I have not the slightest idea whether the other members of my committee agree with me. I have my own responsibility to my own State.

I close by saying what I have been heard to say so often about what is basic to democratic government: In a democracy there is no substitute for the full public disclosure of the people's business. This Cuban matter is clearly becoming a matter of business of the American people, and so paramount in its impor-

tance that the people are entitled to know the facts.

To the American people I say: "You, too, have a responsibility of citizen statesmanship. The time has come for the American people to make clear to their Government and the officials of their Government in both parties, 'Give us the facts. We can take them. We can judge them. We can then follow whatever course of action, as a free people, we believe should be followed.'"

#### AMENDMENT OF RULE XXII— CLOTURE

The Senate resumed the consideration of the motion of the Senator from New Mexico [Mr. ANDERSON] to proceed to the consideration of the resolution (S. Res. 9) to amend the cloture rule of the Senate.

Mr. ERVIN. Mr. President, I have thus far today discussed the reasons assigned by the proponents of the proposed rule change to justify their position. I respectfully submit that for the reasons I have already stated none of those arguments made in favor of the rules changes is valid. I shall now devote myself to showing that the history of our country shows the advisability of having safeguards which will prevent hasty and impatient and intemperate action by those in positions of authority. It was my purpose to refer to American history for a striking illustration of the desirability, nay, the necessity, of protecting the people of this Nation against impatient and intemperate actions on the part of their officials.

Rule XXII of the Senate is one of the few restraints left. Many of the great Senators of the past have stated that no good legislation has ever been prevented by the rule of the Senate permitting free debate, but that, on the contrary, much bad legislation has been prevented by this rule.

I call attention to a similar rule that is in the Constitution of the United States. First I wish to read from section 4 of article II of the Constitution these words:

The President, Vice President and all civil officers of the States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

It will be noted that this paragraph in the Constitution sets forth three conditions, and three conditions only, for which a President, a Vice President, or a civil officer of the United States can be impeached. They are: treason, bribery, or other high crimes and misdemeanors.

The other provisions of the Constitution relating to impeachment are found in subsections 6 and 7 of section 3 of article I of the Constitution. I read subsection 6 of section 3 of article I:

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the concurrence of two-thirds of the Members present.

Subsection 7 of section 3 of article I reads as follows:

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

I shall later discuss these constitutional provisions in more detail. At present, however, I wish to emphasize that the provision of subsection 6 of section 3 of article I of the Constitution, which prescribes that "no person shall be convicted without the concurrence of two-thirds of the Members present," is the only thing which saved the United States at one of the most crucial hours of its history from witnessing a total blackout of constitutional government.

In speaking for the retention of rule XXII in its present form, I say it is not beyond the realm of possibility that the two-thirds provision of rule XXII may serve like subsection 6, section 3, article I of the Constitution, and some day again prevent a total blackout of constitutional government in the United States.

The scene which I propose to discuss in this connection was enacted in this very Senate Chamber. If it had not been for the two-thirds provision of subsection 6, section 3, article I, and the courage of a handful of Senators, constitutional government in the United States would have been destroyed on the very floor of the Senate.

In order to discuss this subject, I shall have to go back a little into American history. On one occasion on this continent and in this Nation a terrible fratricidal war occurred, in which thousands of the flower of the youth of our land, both in the South and in the North, died. My study of American history has convinced me that that terrible war and its carnage would never have occurred if it had not been for intemperate and impatient men in the North and impatient and intemperate men in the South. If ever there was an event which ought to teach all Americans the virtue of patience, it was that terrible war and the terrible carnage it caused.

One of the great men in American history was Abraham Lincoln. I often wonder what would have happened to Lincoln, after Lee's surrender, if he had not fallen by an assassin's bullet. I suspect that perhaps he would have been more maligned at the hands of Members of Congress and at the hands of the American press than any other man in our history. Sometimes a tragic event, such as Lincoln's assassination, spares the man who suffers such an event from great future tragedy. Abraham Lincoln was a merciful man. He was a man who loved his fellow men.

After the surrender of Lee at Appomattox, the question naturally arose as to what was to be done to adjust the relations between the Union and the 11 Confederate States. Lincoln had a very fine plan for the rebuilding of the relationship between the Union and the 11 so-called Confederate States. I shall